

FOLGER LEVIN & KAHN LLP
Ethan P. Schulman (CSB No. 112466, eschulman@flk.com)
Nathaniel P. Bualat (CSB No. 226917, nbualat@flk.com)
Embarcadero Center West
275 Battery Street, 23rd Floor
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986-2827

Attorneys for Plaintiff
CAPITAL TRUST, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAPITAL TRUST, INC.,

Plaintiff,

v.

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING EXPERT
DISCOVERY DEADLINES**

WALTER R. LEMBI, individually and as
trustee of the WALTER AND LINDA
LEMBI FAMILY TRUST DATED JUNE
30, 2004; FRANK E. LEMBI, individually
and as trustee of the OLGA LEMBI
RESIDUAL TRUST CREATED UNDER
THE PROVISIONS OF PART THREE OF
THE LEMBI FAMILY REVOCABLE
TRUST DATED FEBRUARY 17, 1984,
and as the trustee of the FRANK E.
LEMBI SURVIVOR'S TRUST DATED
FEBRUARY 17, 1984; BILLIE
SALEVOURIS, individually, BILLIE Z.
SALEVOURIS, as trustee for THE BILLIE
SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON
MAY 24, 2002; DAVID M. RAYNAL,
individually and as trustee for the DAVID
M. RAYNAL REVOCABLE TRUST
DATED MAY 9, 2002; RALPH DAYAN,
individually and as co-trustee for the
AMENDED AND RESTATED DAYAN
FAMILY REVOCABLE TRUST DATED
DECEMBER 31, 1991,

Defendants.

1 WHEREAS, in the Court's Civil Minute Order dated September 18, 2009, it ordered the
2 parties to submit a stipulation and proposed order regarding deadlines for expert discovery by
3 September 25, 2009.

4 WHEREAS, although the parties do not anticipate the need for any expert testimony in
5 this matter, the parties agree that in the event that any party decides to present expert testimony
6 the disclosure of any testifying expert must comport with Federal Rule of Civil Procedure
7 ("FRCP") 26(a)(2) and the deadlines set forth therein.

8 THEREFORE, Plaintiff Capital Trust, Inc. ("Capital Trust"), Defendants Walter R.
9 Lembi, individually and as trustee of the Walter and Linda Lembi Family Trust dated June 30,
10 2004, and Frank E. Lembi, individually and as trustee of the Olga Lembi Residual Trust created
11 under the provisions of Part Three of the Lembi Family Revocable Trust dated February 17, 1984,
12 and as the trustee of the Frank E. Lembi Survivor's Trust dated February 17, 1984, Billie
13 Salevouris, individually, Billie Z. Salevouris, as trustee for the The Billie Salevouris Trust dated
14 August 23, 1983 as restated on May 24, 2002, David M. Raynal, individually and as trustee for
15 the David M. Raynal Revocable Trust dated May 9, 2002, Ralph Dayan, individually and as co-
16 trustee for the Amended and Restated Dayan Family Revocable Trust dated December 31, 1991
17 ("Defendants"), and Plaintiffs-in-Intervention LBUBS2004-C8 VAN NESS LIMITED
18 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP, LBUBS2004-C8
19 JONES STREET LIMITED PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED
20 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-
21 C8 BARTLETT STREET LIMITED PARTNERSHIP, LBUBS2004-C8 MASON STREET
22 LIMITED PARTNERSHIP, LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, and
23 LBUBS2004-C8 JOICE STREET LIMITED PARTNERSHIP ("Plaintiffs-in-Intervention")
24 hereby stipulate to the following expert discovery schedule:

- | | | |
|----|---|----------------|
| 25 | 1. Last Day to Make FRCP 26(a)(2) Disclosures | March 30, 2010 |
| 26 | 2. Last Day to Make FRCP 26(a)(2) Disclosures for | April 29, 2010 |
| 27 | Any Rebuttal Expert | |

3. Close of Expert Discovery

May 30, 2010

This Stipulation and [Proposed] Order Regarding Expert Deadlines is filed electronically by Capital Trust's counsel who hereby attests, in accordance with General Order 45 Section X(B), that Defendants and Plaintiffs-in-Intervention concur in the filing.

Dated: September 25, 2009

FOLGER LEVIN & KAHN LLP

/s/ Nathaniel P. Bualat

Nathaniel P. Bualat
Attorneys for Capital Trust, Inc.

Dated: September 25, 2009

LEMBI GROUP LEGAL DEPARTMENT

/s/ Edward C. Singer, Jr.

Edward C. Singer, Jr.
Attorneys for Frank E. Lembi and Walter R. Lembi

Dated: September 25, 2009

FRIEDMAN DUMAS & SPRINGWATER LLP

/s/ Ellen A. Friedman

Ellen A. Friedman
Attorneys for David Raynal, Billie Z. Salevouris, and
Ralph Dayan

Dated: September 25, 2009

DUANE MORRIS LLP

/s/ Phillip K. Wang

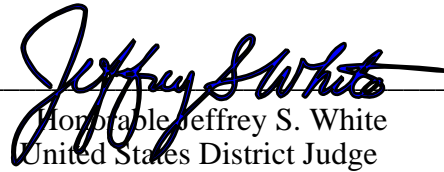
Phillip K. Wang
Attorneys for Plaintiffs-in-Intervention

ORDER REGARDING EXPERT DISCOVERY

The Stipulation and [Proposed] Order Regarding Expert Discovery Deadlines is hereby adopted by the Court and the parties are ordered to comply with the expert discovery deadlines contained herein, subject to any modification that may be permitted in the future, upon application to, and approval by, the Court.

IT IS SO ORDERED.

Dated: September 25, 2009


Honorable Jeffrey S. White
United States District Judge

19046\2001\668289.1